

1987 MAR 12 AM 11:02
HOUSE OF REPRESENTATIVES

I certify that the attached is a true and
correct copy of H.B. 1136, which
was filed of record on MAR 3 1987
and referred to the committee on:

Insurance

Betty Murray
Chief Clerk of the House

FILED MAR 3 1987

By Millsap

H.B. No. 1136

A BILL TO BE ENTITLED

AN ACT

relating to insurance coverage for the services of certain
audiologists and fitters and dispensers of hearing aids.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 1 and 3, Article 21.52, Insurance Code,
are amended to read as follows:

Sec. 1. DEFINITIONS. As used in this article:

(a) "health insurance policy" means any individual, group,
blanket, or franchise insurance policy, insurance agreement, or
group hospital service contract, providing benefits for medical or
surgical expenses incurred as a result of an accident or sickness;

(b) "doctor of podiatric medicine" includes D.P.M.,
podiatrist, doctor of surgical chiropody, D.S.C. and chiropodist;

(c) "doctor of optometry" includes optometrist, doctor of
optometry, and O.D.;

(d) "doctor of chiropractic" means a person who is licensed
by the Texas Board of Chiropractic Examiners to practice
chiropractic;

(e) "licensed dentist" means a person who is licensed to
practice dentistry by the State Board of Dental Examiners;

(f) "audiologist" means a person who has received a master's
or doctorate degree in audiology from an accredited college or
university and is certified by the American Speech-language and
Hearing Association, or a person who is licensed by the State

1 Committee of Examiners for Speech-Language Pathology and Audiology;
2 [and]

3 (g) "speech-language pathologist" means a person who has
4 received a master's or doctorate degree in speech-language
5 pathology from an accredited college or university and is certified
6 by the American Speech-language and Hearing Association to restore
7 speech loss or correct a speech impairment, or a person who is
8 licensed by the State Committee of Examiners for Speech-Language
9 Pathology and Audiology; and

10 (h) "hearing aid fitter and dispenser" means a person who is
11 licensed by the Texas Board of Examiners in the Fitting and
12 Dispensing of Hearing Aids and who is certified by the National
13 Board for Certification in Hearing Instrument Sciences or by the
14 American Conference of Audioprosthology.

15 Sec. 3. SELECTION OF PRACTITIONERS. Any person who is
16 issued, who is a party to, or who is a beneficiary under any health
17 insurance policy delivered, renewed, or issued for delivery in this
18 state by any insurance company, association, or organization to
19 which this article applies may select a licensed doctor of
20 podiatric medicine, a licensed dentist, or a doctor of chiropractic
21 to perform the medical or surgical services or procedures scheduled
22 in the policy which fall within the scope of the license of that
23 practitioner, a licensed doctor of optometry to perform the
24 services or procedures scheduled in the policy which fall within
25 the scope of the license of that doctor of optometry, a licensed
26 [an] audiologist to measure hearing for the purpose of determining
27 the presence or extent of a hearing loss and to provide aural

1 rehabilitation services to a person with a hearing loss if those
2 services or procedures are scheduled in the policy, a licensed
3 hearing aid fitter and dispenser to measure human hearing through
4 the use of an audiometer or through other procedures common to
5 otological or audiological assessment of hearing acuity to
6 ascertain the existence or degree of a hearing loss, and to provide
7 corrective hearing services to a person with a hearing loss through
8 the selection, adaptation, or training in the use of amplification
9 if those services or procedures are scheduled in the policy, or a
10 licensed speech-language pathologist to evaluate speech and
11 language and to provide habilitative and rehabilitative services to
12 restore speech or language loss or to correct a speech or language
13 impairment if those services or procedures are scheduled in the
14 policy. The payment or reimbursement by the insurance company,
15 association, or organization for those services or procedures in
16 accordance with the payment schedule or the payment provisions in
17 the policy shall not be denied because the same were performed by a
18 licensed doctor of podiatric medicine, a licensed doctor of
19 optometry, a licensed doctor of chiropractic, a licensed dentist, a
20 licensed [an] audiologist, a licensed hearing aid fitter and
21 dispenser, or a licensed speech-language pathologist. There shall
22 not be any classification, differentiation, or other discrimination
23 in the payment schedule or the payment provisions in a health
24 insurance policy, nor in the amount or manner of payment or
25 reimbursement thereunder, between scheduled services or procedures
26 when performed by a doctor of podiatric medicine, a doctor of
27 optometry, a doctor of chiropractic, a licensed dentist, a licensed

1 [am] audiologist, a licensed hearing aid fitter and dispenser, or a
2 licensed speech-language pathologist which fall within the scope of
3 his license or certification and the same services or procedures
4 when performed by any other practitioner of the healing arts whose
5 services or procedures are covered by the policy. Any provision in
6 a health insurance policy contrary to or in conflict with the
7 provisions of this article shall, to the extent of the conflict, be
8 void, but such invalidity shall not affect the validity of the
9 other provisions of this policy. Any presently approved policy
10 form containing any provision in conflict with the requirements of
11 this Act shall be brought into compliance with this Act by the use
12 of riders and endorsements which have been approved by the State
13 Board of Insurance or by the filing of new or revised policy forms
14 for approval by the State Board of Insurance.

15 SECTION 2. This Act applies only to health insurance
16 policies delivered, renewed, or issued on or after January 1, 1988.

17 SECTION 3. This Act takes effect September 1, 1987.

18 SECTION 4. The importance of this legislation and the
19 crowded condition of the calendars in both houses create an
20 emergency and an imperative public necessity that the
21 constitutional rule requiring bills to be read on three several
22 days in each house be suspended, and this rule is hereby suspended.

HOUSE COMMITTEE REPORT

1st. Printing

1987 APR -2 PM 6: 27

HOUSE OF REPRESENTATIVES

By Millsap

H.B. No. 1136

Substitute the following for H.B. No. 1136:

By Shea

C.S.H.B. No. 1136

A BILL TO BE ENTITLED

AN ACT

relating to insurance coverage for the services of certain audiologists and fitters and dispensers of hearing aids.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 1 and 3, Article 21.52, Insurance Code, are amended to read as follows:

Sec. 1. DEFINITIONS. As used in this article:

(a) "health insurance policy" means any individual, group, blanket, or franchise insurance policy, insurance agreement, or group hospital service contract, providing benefits for medical or surgical expenses incurred as a result of an accident or sickness;

(b) "doctor of podiatric medicine" includes D.P.M., podiatrist, doctor of surgical chiropody, D.S.C. and chiropodist;

(c) "doctor of optometry" includes optometrist, doctor of optometry, and O.D.;

(d) "doctor of chiropractic" means a person who is licensed by the Texas Board of Chiropractic Examiners to practice chiropractic;

(e) "licensed dentist" means a person who is licensed to practice dentistry by the State Board of Dental Examiners;

(f) "audiologist" means a person who has received a master's or doctorate degree in audiology from an accredited college or university and is licensed by the State Committee of Examiners for Speech-Language Pathology and Audiology [~~certified-by-the--American~~

1 ~~Speech-language-and-Hearing-Association~~]; [and]

2 (g) "speech-language pathologist" means a person who has
3 received a master's or doctorate degree in speech-language
4 pathology from an accredited college or university and is licensed
5 by the State Committee of Examiners for Speech-Language Pathology
6 and Audiology; and

7 (h) "hearing aid fitter and dispenser" means a person who is
8 licensed by the Texas Board of Examiners in the Fitting and
9 Dispensing of Hearing Aids [~~certified---by---the---American~~
10 ~~Speech-language--and--Hearing-Association-to-restore-speech-loss-or~~
11 ~~correct-a-speech-impairment~~].

12 Sec. 3. SELECTION OF PRACTITIONERS. Any person who is
13 issued, who is a party to, or who is a beneficiary under any health
14 insurance policy delivered, renewed, or issued for delivery in this
15 state by any insurance company, association, or organization to
16 which this article applies may select a licensed doctor of
17 podiatric medicine, a licensed dentist, or a doctor of chiropractic
18 to perform the medical or surgical services or procedures scheduled
19 in the policy which fall within the scope of the license of that
20 practitioner, a licensed doctor of optometry to perform the
21 services or procedures scheduled in the policy which fall within
22 the scope of the license of that doctor of optometry, a licensed
23 ~~[an]~~ audiologist to measure hearing for the purpose of determining
24 the presence or extent of a hearing loss and to provide aural
25 rehabilitation services to a person with a hearing loss if those
26 services or procedures are scheduled in the policy, a licensed
27 hearing aid fitter and dispenser to measure hearing for the purpose

1 of making selections, adaptations, and sales of hearing aids if
2 those services or procedures are scheduled in the policy, or a
3 licensed speech-language pathologist to evaluate speech and
4 language and to provide habilitative and rehabilitative services to
5 restore speech or language loss or to correct a speech or language
6 impairment if those services or procedures are scheduled in the
7 policy. The payment or reimbursement by the insurance company,
8 association, or organization for those services or procedures in
9 accordance with the payment schedule or the payment provisions in
10 the policy shall not be denied because the same were performed by a
11 licensed doctor of podiatric medicine, a licensed doctor of
12 optometry, a licensed doctor of chiropractic, a licensed dentist, a
13 licensed [an] audiologist, a licensed hearing aid fitter and
14 dispenser, or a licensed speech-language pathologist. There shall
15 not be any classification, differentiation, or other discrimination
16 in the payment schedule or the payment provisions in a health
17 insurance policy, nor in the amount or manner of payment or
18 reimbursement thereunder, between scheduled services or procedures
19 when performed by a doctor of podiatric medicine, a doctor of
20 optometry, a doctor of chiropractic, a licensed dentist, a licensed
21 [an] audiologist, a licensed hearing aid fitter and dispenser, or a
22 licensed speech-language pathologist which fall within the scope of
23 his license or certification and the same services or procedures
24 when performed by any other practitioner of the healing arts whose
25 services or procedures are covered by the policy. Any provision in
26 a health insurance policy contrary to or in conflict with the
27 provisions of this article shall, to the extent of the conflict, be

1 void, but such invalidity shall not affect the validity of the
2 other provisions of this policy. Any presently approved policy
3 form containing any provision in conflict with the requirements of
4 this Act shall be brought into compliance with this Act by the use
5 of riders and endorsements which have been approved by the State
6 Board of Insurance or by the filing of new or revised policy forms
7 for approval by the State Board of Insurance.

8 SECTION 2. This Act applies only to health insurance
9 policies delivered, renewed, or issued on or after January 1, 1988.

10 SECTION 3. This Act takes effect September 1, 1987.

11 SECTION 4. The importance of this legislation and the
12 crowded condition of the calendars in both houses create an
13 emergency and an imperative public necessity that the
14 constitutional rule requiring bills to be read on three several
15 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

3/31/87
(date)

Sir:

We, your COMMITTEE ON INSURANCE,

to whom was referred HB 1136 have had the same under consideration and beg to report
(measure)
back with the recommendation that it

- () do pass, without amendment.
- () do pass, with amendment(s).
- ☒ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ☒ yes () no An actuarial analysis was requested. () yes ☒ no

An author's fiscal statement was requested. () yes ☒ no

~~The Committee recommends that this measure be placed on the (Local) or (Consent) Calendar.~~

This measure () proposes new law. ☒ amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Gavin, Ch.	X			
Hudson, S., V.C.	X			
Cavazos, C.B.O.	X			
Criss				X
Patrick	X			
Price	X			
Shea	X			
Taylor	X			
Thompson, S.	X			

Total
8 aye
0 nay
0 present, not voting
1 absent

Gib Lewis
CHAIRMAN
Laura Colfee
COMMITTEE COORDINATOR

H.B.1136
By: Millsap

Committee: Insurance

BILL ANALYSIS

BACKGROUND

There has been a gradual increase among insurance companies in coverage for hearing aids and testing for hearing aids. Currently, audiologists are approved as practitioners for payment for services under the provisions in many policies. Hearing aid fitters and dispensers are not being paid by insurers for performing these same procedures in relation to hearing aids.

PURPOSE

To add the hearing aid fitters and dispensers to the list of those practitioners authorized for payment of services rendered if within the scope of their license and policy coverage.

SECTION BY SECTION ANALYSIS

Section 1. Amends Article 21.52 to state:

Sec.1.(f) adds another licensing body as recognized to certify speech-language pathologists (g) adds the licensing body as recognized to certify speech-pathologists. (h) adds a definition of hearing aid fitter and dispenser.

Sec.3. adds "hearing aid fitter and dispenser" to the list of practitioners authorized to perform certain procedures scheduled in the policy. It also requires licensing for audiologists and speech-language pathologists as well as hearing aid fitters and dispensers in order to be considered as approved providers of service under the policy.

Section 2. Effective date of application

Section 3. Effective date of Act.

Section 4. Emergency clause

RULEMAKING AUTHORITY

It is the opinion of this committee that this bill does not confer any additional rulemaking authority to the State Board of Insurance.

SUMMARY OF COMMITTEE ACTION

H.B. 1136 was considered in a public hearing on March 31, 1987. Testifying in favor of the bill were Ray Jones, representing hearing aid fitters and dispensers, Jim Wilson, representing Texas Hearing Aid Association. Testifying against the bill was Will Davis, attorney, representing the Texas Legal Reserve Officials Association. Representative Shea offered a substitute which was adopted. The motion to report the bill favorably as substituted carried with a vote of 8 Ayes, 0 Nays, 0 present-not voting, 1 absent.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute deleted the portions of the bill which required certification by the American Speech-language and Hearing Association, National Board for Certification in Hearing Instrument Sciences or the American Conference of Audioprosthology.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 30, 1987

TO: Honorable John J. Gavin, Chair
Committee on Insurance
House of Representatives
Austin, Texas

In Re: House Bill No. 1136
By: Millsap

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1136 (relating to insurance coverage for the services of certain audiologists and fitters and dispensers of hearing aids) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: Board of Examiners in the Fitting and Dispensing of Hearing Aids;
LBB Staff: JO, HES, JWH, ML, LV

H. B. No.

1136

By

Millsap

A BILL TO BE ENTITLED

AN ACT

relating to insurance coverage for the services of certain audiologists and fitters and dispensers of hearing aids.

MAR 3 1987

1. Filed with the Chief Clerk.

MAR 11 1987

2. Read first time and Referred to Committee on

MAR 31 1987

3. Reported favorably (as substituted) and sent to Printer at 5:00 p.m.

APR 2 1987

4. Printed and distributed at 6:27 p.m.

APR 1 1987

APR 3 1987

5. Sent to Committee on Calendars at 2:33 p.m.

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of years, nays, present, not voting).

7. Motion to reconsider and table the vote by which H.B. was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of years, nays, and present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of years, nays, and present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of years, nays, present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of years, nays, and present, not voting).

12. Ordered Engrossed at

13. Engrossed.

14. Returned to Chief Clerk at

15. Sent to Senate.

Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by (a viva voce vote.) (years, nays.)

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

_____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION:

OTHER ACTION:

Secretary of the Senate

_____ 27. Returned to the House.

_____ 28. Received from the Senate (with amendments.)
(as substituted.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute)
Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 32. Ordered Enrolled at _____

HOUSE OF REPRESENTATIVES

1987 APR - 2 PM 6: 27